

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NORTH DAKOTA

In re:

Pro-Mark Services, Inc.,

Bky. Case No. 24-30167

Chapter 7

Debtor.

Erik A. Ahlgren, as Chapter 7 Trustee
of the Bankruptcy Estate of Pro-Mark Services, Inc.,
as Administrator of the Pro-Mark
Services, Inc. Employee Stock Ownership Plan, and
as Trustee of the Pro-Mark Services, Inc.
Employee Stock Ownership Trust,

Plaintiff,

v.

Adversary No. 24-07014

Connie Berg, Kyle Berg, Connie Berg Revocable
Living Trust, Kyle R. Berg Revocable Living Trust,
Chad DuBois, and Miguel Paredes,

Defendants.

**STIPULATION TO VOLUNTARILY DISMISS DEFENDANT CHAD DUBOIS AS A
PARTY WITH PREJUDICE PURSUANT TO SETTLEMENT AND FEDERAL RULE
OF CIVIL PROCEDURE 41(a)(2)**

1. Plaintiff Erik A. Ahlgren, as Chapter 7 Trustee of the Bankruptcy Estate of Pro-Mark Services, Inc., as Administrator of the Pro-Mark Services, Inc. Employee Stock Ownership Plan, and as Trustee of the Pro-Mark Services, Inc. Employee Stock Ownership Trust, filed his Second Amended Complaint against the Defendants, including Defendant Chad DuBois (“Mr. DuBois” and together with the Plaintiff, the “Parties”), on May 20, 2025. (Adv. Doc. 120.)

2. By orders dated August 19, 2025 (Bankr. Doc. 238; Adv. Doc. 156), the Court approved a settlement between Plaintiff and DuBois (the “Settlement”). Pursuant to the Settlement, the Trustee agreed to dismiss Mr. DuBois as a party from this adversary proceeding

upon Mr. DuBois' satisfaction of certain conditions precedent. All such conditions precedent have been satisfied.

3. Accordingly, pursuant to the Settlement and Federal Rule of Civil Procedure 41(a)(2), made applicable by Federal Rule of Bankruptcy Procedure 7041, the Parties jointly stipulate and request that the Court enter an order approving Plaintiff's voluntarily dismissal of Mr. DuBois as a party to this adversary proceeding with prejudice. A form of proposed order is attached.

Dated: October 20, 2025

/e/ Peter D. Kieselbach

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Counsel for Plaintiff

Dated: October 20, 2025

/e/ Maurice B. VerStandig

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Counsel for Defendant DuBois

CERTIFICATE OF SERVICE

The undersigned certifies that on October 20, 2025, the above document was served on all counsel of record via CM/ECF.

/e/ Peter D. Kieselbach

Peter D. Kieselbach

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Chad DuBois, and Miguel Paredes,

Defendants.

**[PROPOSED] ORDER DISMISSING DEFENDANT CHAD DUBOIS AS A PARTY
PURSUANT TO SETTLEMENT AND FEDERAL RULE OF CIVIL
PROCEDURE 41(a)(2)**

On October 20, 2025, Plaintiff Erik A. Ahlgren, as Chapter 7 Trustee of the Bankruptcy Estate of Pro-Mark Services, Inc., as Administrator of the Pro-Mark Services, Inc. Employee Stock Ownership Plan, and as Trustee of the Pro-Mark Services, Inc. Employee Stock Ownership Trust, and Defendant Chad DuBois jointly filed a Stipulation to Voluntarily Dismiss Defendant Chad Dubois as a Party with Prejudice Pursuant to Settlement and Federal Rule of Civil Procedure 41(a)(2) (the “Stipulation”). Capitalized terms in this order shall have the meanings given to them in the Stipulation. Based on the Stipulation, IT IS HEREBY ORDERED THAT:

1. Chad DuBois is dismissed as a party in the above-captioned adversary proceeding with prejudice pursuant to the Settlement and Federal Rule of Civil Procedure 41(a)(2).

Dated: _____

Shon Hastings, Judge
United States Bankruptcy Court